

**UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF NEW JERSEY**

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**IN RE: JOHNSON & JOHNSON  
TALCUM POWDER PRODUCTS  
MARKETING, SALES PRACTICES AND  
PRODUCT LIABILITY LITIGATION**

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**MDL No. 2738  
Civ. Action No. 16-2738 (FLW)**

**REPLACEMENT SPECIAL MASTER  
ORDER NO. 1**

The Special Master (“SM”) having held a Zoom conference on the record with lead counsel on March 31, 2021; and this Order intending to confirm the SM’s directions; and accordingly,

IT IS HEREBY ORDERED this 5<sup>th</sup> day of April 2021, as follows:

1. By April 9, 2021, plaintiffs shall identify their remaining challenges to defendants’ privilege assertions. Thereafter the parties shall continue to meet and confer regarding their dispute. To the extent any disputes remain, defendants shall serve their supporting letter briefs and affidavit(s) by April 23, 2021, along with the documents at issue for the SM’s in camera review. Plaintiffs may respond by May 5, 2021. Oral argument on the parties’ dispute shall be held on May 12, 2021, at 4:00 p.m. during the scheduled Zoom conference.

2. By April 9, 2021, and to the extent requested by plaintiffs, they shall cross-designate the notice of deposition of John O’Shaughnessy. The failure to timely cross-designate shall be deemed to be a waiver of plaintiffs’ right to take the deposition in connection with this MDL. The SM is not addressing whether O’Shaughnessy’s deposition taken in connection with

a non-MDL matter is admissible at the trial of any MDL case. The SM is also not addressing whether O'Shaughnessy's deposition may be taken in connection with the related Missouri litigation or any other non-MDL litigation.

3. To the extent defendants object to plaintiffs' cross-designation, defendants shall serve a letter brief by April 23, 2021, in connection with their request for a protective order. Plaintiffs may respond by May 5, 2021. Oral argument on the parties' dispute shall be held on May 12, 2021 at 4:00 p.m. during the scheduled Zoom conference.

4. To the extent plaintiffs propose to use any allegedly privileged document(s) at O'Shaughnessy's deposition taken in connection with this MDL, the document(s) shall be identified and submitted for an in camera review per the instructions in paragraph 1 herein.

5. A Zoom conference is scheduled on April 22, 2021 at 4:00 p.m. to address the parties' proposed schedule to complete all "case specific" and "non-case specific" fact discovery regarding the Stage Three cases (including third-party discovery). The SM will also address with all other non-case specific fact discovery that the parties propose during the conference. The SM anticipates that by April 22, 2021, the parties will be able to identify all reasonably foreseeable fact discovery they will request to be taken; and it is further

ORDERED the parties are encouraged to identify and raise with the SM as soon as reasonably possible all anticipated discovery disputes so that each dispute can be timely briefed and decided to assure compliance with the applicable scheduling deadlines; and it is further

ORDERED the parties are encouraged to serve concise written submissions but shall be limited to the page limitations in the District of New Jersey's Local Civil Rules of Procedure; and it is further

ORDERED the parties are encouraged to contact the SM to set up a conference call on short notice to address any discovery issue that will help “advance the ball.”

By: s/ Joel Schneider  
HON. JOEL SCHNEIDER (Ret.)  
SPECIAL MASTER

Dated: April 5, 2021